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REMARKS

Claims 1, 2, 4, 5, 14, 15, 17-19 and 49-54 are pending in this application. Claims 3, 6-13, 16 and 20-48 are cancelled, without prejudice. Applicants note that the Examiner has indicated that claims 14, 15 and 49-51 are allowable and that claim 3 would be allowable if amended to include the limitations contained in the claims from which it depends. Applicants have amended claim 1 to include the limitations of claim 3. Applicants have also amended claim 14 to more clearly define the invention.

The Examiner rejected claims 1 and 17-19 under 35 U.S.C. § 102(e) as being anticipated by Koros (U.S. Patent No. 6,113,534). Applicants traverse this rejection with respect to claim 19. As to the remaining claims, Applicants have cancelled claim 3, without prejudice, and added the limitations of claim 3 to claim 1, the Examiner having indicated that claim 3 would be allowable if so amended, and have amended claim 17 to include the structural limitations of claim 14, which has been indicated as allowable by the Examiner. In view of these amendments, Applicants submit that the rejection is overcome as to claims 1, 17 and 18.

Turning to the rejection of claim 19, the method claimed in claim 19 requires using detachable feet having different shapes to perform a coronary anastomosis. The claim has been amended to more clearly define the invention, by defining the step of "providing a stabilizer system having a shaft, a first foot and a second foot having a shape different than the first foot" and includes the steps of detaching the first foot and attaching the second foot to stabilize a different coronary artery. Koros does not teach or suggest such a method. Koros does state, with reference to Figs 17-19, at column 8, lines 60-61: "[h]ead member 112 on rigid shaft 114 is detachable so that stabilizer 102 and head member can be disposable." The head member 112 forms a part of the shaft, not the stabilizer member 102 (See cross section Fig 18). Further, Koros does not teach or suggest that differently shaped feet should be used to stabilize different locations on the heart. Koros simply implies that one might detach the stabilizer 102 (along with head member 112) and replace those components with the same shaped disposable components 102 and 112. As such, Applicants submit that claim 19 is patentably distinguished over Koros, and request the Examiner to withdraw this rejection with respect to claim 19.

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The Examiner rejected claims 4, 5, 8, 17-19, 52-54 under 35 U.S.C. § 102(e) as being anticipated by Green (U.S. Patent No. 6,656,113). Claim 8 has been cancelled, without prejudice, and claim 52 has been amended to depend from claim 14, which has been indicated as allowable. Therefore, Applicants submit that the rejection as to claims 8 and 52-54 is moot.

Applicants traverse this rejection as to amended claims 4, 5 and 17-19. Referring to claim 4, Green does not teach or disclose an apparatus for stabilizing an epicardial surface of the heart that has a shaft and a foot coupled to the shaft, where the foot has a generally planar first arm and a generally planar second arm, a slot aligned with a central axis, and where the foot has a shape that is asymmetrical relative to the central axis. The Examiner relies on the embodiment depicted in Figure 52 of Green in the rejection. Assuming that the embodiment of Figure 52 can be described as having a first foot 760 and a second foot 762, the second foot 762 (described as a "bail" in Green), is not generally planar. Further, no other embodiment in Green that includes a generally planar first arm and a generally planar second arm—see embodiments depicted in Figures 1, 13, 35, 38-43 and 46-49—have a foot having a shape that is asymmetrical relative to the central axis. Instead, these embodiments each have a shape that is symmetrical relative to the central axis. As a result, Green can not anticipate claim 4, and Applicants request that the Examiner withdraw the rejection with respect to claim 4, and dependent claim 5.

Referring to claims 17 and 18, Applicants submit that the amendment described above moots the rejection, and requests the Examiner to withdraw the rejection.

Referring to claim 19, Applicants submit that it is novel for the same reasons described above with reference to Koros: Green does not teach or suggest the method claimed in claim 19. Green does describe an embodiment in Figures 41 where foot 550 is detachable from shaft 3, but only to reposition the shaft relative to the foot. In this embodiment, shaft 3 can be detached from the foot at receiving hole 563 and reattached at a second receiving hole 563 at a location displaced laterally along the link connected the two arms. Green does not teach, however, that the user might use a differently shaped foot to perform an anastomosis at a different coronary artery. As a result, Applicants submit that Green can not anticipate claim 19, and request that the Examiner withdraw the rejection with respect to claim 19.

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Regarding claims 52-54, claim 52 has been amended to depend from claim 14, which has been indicated as allowable. Therefore, Applicants submit that the rejection as to claims 52-54 is moot.

The Examiner rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Koros. Applicants have amended claim 1 to add the elements of claim 3, which is indicated as allowable. As claim 2, depends from claim 1, Applicants submit that it, too, is allowable, and request that the Examiner withdraw the rejection.

If the Examiner believes that a discussion of the pending claims would expedite the prosecution of this application, she is invited to contact the undersigned.

Respectfully submitted,

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